

Gum

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 28 AM 9:45  
08 MJ 1670

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Raul LUNA**

**AKA: Raul LUNA-Ortiz**

Defendant.

Magistrate Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATION OF

DEPUTY

Title 8, U.S.C., Section 1326

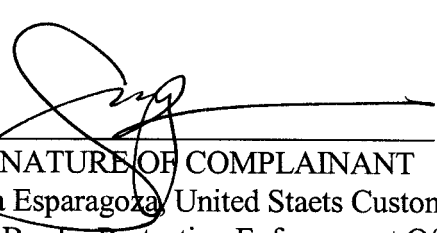
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **May 26, 2008**, within the Southern District of California, defendant **Raul LUNA AKA: Raul LUNA-Ortiz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico** attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **28<sup>th</sup>** DAY OF **MAY**, 2008.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On May 26, 2008 at approximately 2034 hours, a male individual later identified as **Raul LUNA AKA: Raul LUNA-Ortiz (Defendant)**, attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry, via the pedestrian primary lanes. Defendant presented to a Customs and Border Protection (CBP) Officer a United States Passport bearing his picture and the name John Rudisill Wingfield. When asked for another form of identification, Defendant was unable to produce any. The CBP Officer noticed the United States Passport was photo-altered and escorted Defendant to the secondary area for further inspection.

In secondary, it was confirmed the United States Passport was photo-altered and Defendant admitted his true identity as Raul LUNA-Ortiz. Defendant admitted he is a citizen of Mexico by virtue of birth in Ensenada, Baja California, Mexico. Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported/removed alien. Defendant's identity and immigration history was verified through the Integrated Automated Fingerprint Identification System (IAFIS).

Immigration service records, including the Central Index System (CIS) and the Deportable Alien Control System (DACS) identify Defendant as a citizen of Mexico. DACS indicates Defendant was ordered deported from the United States by an Immigration Judge on or about December 13, 2000. DACS records also indicate Defendant was most recently removed from the United States to Mexico on or about June 6, 2006 through Calexico, California. Immigration service records contain no evidence that Defendant has applied for or received permission from the United States Attorney General or the Secretary of the Department of Homeland Security to legally re-enter the United States.